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Attorney for Plaintiffs
Vladimir Balarezo, Abelardo Guerrero,
Victor Funez & Osmin Avila

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VLADIMIR BALAREZO, ABELARDO
GUERRERO, VICTOR FUNEZ & OSMIN
AVILA, and on behalf of other similarly
situated

Plaintiffs,

vs.

NTH CONNECT TELECOM INC., AND
STEVEN CHEN,

Defendants

Case No.: C07-01248 JF

**AMENDED PLAINTIFFS' REQUEST FOR
PRODUCTION OF DOCUMENTS, SET
ONE**

**PROPOUNDING PARTY: PLAINTIFFS, VLADIMIR BALAREZO, ABELARDO
GUERRERO, VICTOR FUNEZ & OSMIN AVILA**
RESPONDING PARTY: DEFENDANT, NTH CONNECT TELECOM INC.
SET NO.: 1

1 **I. INTRODUCTION**

2 Pursuant to Fed. R. Civ. P. 26 and 34, Plaintiffs, by undersigned counsel, request that
3 Defendants NTH CONNECT TELECOM INC., and STEVEN CHEN produce for inspection and
4 copying the documents designated under the heading "DOCUMENTS REQUESTED" within 30
5 days of service hereof at the office of the undersigned.

6 Defendants are required to produce all requested documents that are in their actual or
7 constructive possession, custody or control.

8 These requests for production are continuing in nature and require supplemental
9 responses to the greatest extent permitted by Fed. R. Civ. P. 26(e). Plaintiffs will object to the
10 presentation of any documentation not disclosed by the date set by the Court for such disclosure.

11 Plaintiffs request that such production be made in accordance with the "Definitions and
12 Instructions" set forth below.

13 **II. DEFINITIONS AND INSTRUCTIONS**

14 **A. Definitions**

15 As used herein:

- 16 1. "YOU" or "YOUR" refers to the Defendant NTH Connect Telecom Inc.
- 17 2. "EMPLOYEE" or "EMPLOYEES" means any and every person who, at any time since
18 October 12, 2003 to the date hereof, had been hired by YOU in a position known as "Installation
19 Technician", "Service Technician", "Field Technician" and/ or "Tech", and/or who had
20 performed duties of any such position.
- 21 4. "COMMUNICATION" means and includes every manner of means of disclosure,
22 transfer or exchange of information, fact, idea, or inquiry, whether orally or by document or
23 whether face-to-face or electronically, by telephone, telecopier, mail, email, facsimile, personal
24 delivery, overnight delivery or otherwise.
- 25

1 5. "COMPLAINT" refers to the Complaint filed by Plaintiffs Vladimir Balarezo, Abelardo
2 Guerrero, Victor Funez and Osmin Avila in the United States District Court for Northern District
3 of California, No. C07-05243 JF.

4 6. "DOCUMENT" or "DOCUMENTS" has the same meaning as in Fed. R. Civ. P. 34 and
5 includes, in the broadest sense possible, all writings and other tangible things upon which any
6 form of communication is recorded or reproduced, and preliminary drafts and non-identical
7 copies of the above (whether such copies differ from the original by reason of notation made on
8 such copies or otherwise). Without limiting the generality of the foregoing, the term "document"
9 or "documents" includes, but is not limited to, correspondence, memoranda, notes, records,
10 letters, envelopes, telegrams, messages, studies, analyses, contracts, agreements, working papers,
11 accounts, analytical records, reports and/or summaries of investigations, trade letters, press
12 releases, comparisons, books, calendars, diaries, articles, magazines, newspapers, booklets,
13 brochures, pamphlets, circulars, bulletins, notices, drawings, diagrams, instructions, notes of
14 minutes of meetings or of other communications of any type, including inter- and intraoffice
15 communications, e-mail, deleted e-mail, questionnaires, surveys, charts, graphs,
16 photographs, phonograph recordings, films, tapes, disks, data cells, print-cuts of information
17 stored or maintained by electronic data processing or word processing equipment, all other data
18 compilations from which information can be obtained from computers and hard drives and
19 servers, and your personal computers, hard drives and servers, wherever located (by translation,
20 if necessary, by you through detection devices into usable form), including, without limitation,
21 electromagnetically sensitive storage media such as floppy disks, hard disks and magnetic tapes,
22 and any preliminary versions, drafts or revisions of any of the foregoing. The term also includes
23 each and every file folder or other material in which the above items are stored, filed, or
24 maintained.
25

1 7. "PERSON" includes any natural person, proprietorship, public or private corporation,
2 company, firm, governmental body, partnership, trust, joint venture, entity or any other form of
3 business or legal entity, organization or arrangement, group or association.

4 8. The words "and" and "or" are to be construed both conjunctively and disjunctively as
5 necessary to bring within the scope of discovery request all responses that might otherwise be
6 construed to be outside its scope.

7 9. The terms "all" and "each" shall be construed as all and each.

8 10. "Relating to" or "relate" means referring to, pertaining to, concerning, describing,
9 discussing, commenting on, constituting, comprising, explaining, showing, analyzing,
10 evidencing, supporting or contradicting, directly or indirectly, whether in whole or in part.

11 11. "CLAIM PERIOD" means the period starting October 12, 2003 till the date of production.

12 12. "PAYROLL RECORDS" are defined as any DOCUMENTS that show, indicate, address,
13 mention, memorialize, reflect, or otherwise relate to any monetary payment, exchange or
14 financial arrangement between YOU and a EMPLOYEE including but not limited to payment,
15 repayment, and/or exchange of wages, salaries, loans, advances, or interests thereon.

16 13. "BY-WEEKLY PAYOUT" refers to any document that is substantially in the form of
17 Exhibit 1 hereto and/or any document that serves the substantially the same function as Exhibit 1.

18 14. "DAILY COUNT SHEET" refers to any document that is substantially in the form of
19 Exhibit 2 hereto and/or any document that serves the substantially the same function as Exhibit 2.

20 15. "COMCAST WORK ORDER" refers to any document that is signed by a customer and
21 is substantially in the form of Exhibit 3 hereto and/or any document that serves the substantially
22 the same function as Exhibit 3.

23 **B. Instructions**

24 1. The use of the singular shall be deemed to include the plural, and the use of one gender
25 shall include all others as appropriate in the context.

2. You are required to produce all of the requested documents in your possession, custody or control, including (by way of illustration only and not limited to) documents in the possession, custody or control of your subsidiaries, divisions, affiliates or merged and acquired predecessors and your present or former investigators, attorneys, directors, officers, partners, employees or other agents, as well as your present or former independent contractors and any other person acting on your behalf, and shall supplement your response whenever necessary in accordance with the Federal Rules of Civil Procedure.

3. If you claim any form of privilege, whether based on statute or otherwise, as a ground for not producing any document, state the following:

(a) the date of the document;

(b) the name, the present or last known home and business address, the telephone numbers, the title (or position), and the occupation of those individuals who prepared, produced, reproduced, or who were recipients of, said document;

(c) a description of the document sufficient to identify it without revealing the information for which the privilege is claimed

(d) each and every fact or basis upon which you claim any such privilege;

(e) the location of the document; and

(f) the custodian of the document.

4. Each document requested herein is to be produced in its entirety and without deletion or excisions, regardless of whether you consider the entire document to be relevant or responsive to these requests. If you have removed, excised or deleted any portion of a document, stamp the word "redacted" on each page of the document, which you have redacted. Redactions should be included on the privilege log described in Instruction No. 3.

5. If any otherwise responsive document was, but is no longer, in existence or in your possession, custody or control, identify the type of information contained in the document, its current or last known custodian, the location/address of such document, the identity of all

1 persons having knowledge or who had knowledge of the document and describe in full the
2 circumstances surrounding its disposition from your possession or control.

3 6. Pursuant to Fed. R. Civ. P. 34(b), documents produced pursuant to this Request shall be:

4 (a) produced as kept in the regular course of business, together with the original folders, binders,
5 or boxes in which they were maintained; or (b) produced, organized and labeled to correspond to
6 the categories of this request. If a document was prepared in several copies or if additional copies
7 were thereafter made, and if any such copies were not identical or are no longer identical by
8 reason of subsequent notation or modification of any kind whatsoever including, without
9 limitation, notations on the front or back of the document, such non-identical copies must be
10 produced.

11 7. All documents shall be produced in the file folder, envelope or other container in which
12 the documents are kept or maintained by you. If, for any reason, the container cannot be
13 produced, produce copies of all labels or other identifying marks.

14 8. If any document requested herein is stored on or in a computer data storage device or
15 media, produce the data in computer-usable form (e.g., on diskettes or tapes) and printouts if
16 they exist.

17 9. Documents attached to each other should not be separated.

18 10. Documents not otherwise responsive to this Request shall be produced if such documents
19 mention, discuss, refer to, or explain the documents which are called for by this Request, or if
20 such documents are attached to documents called for by this Request and constitute routing slips,
21 transmittal memoranda, or letters, comments, evaluations or similar materials.

22 11. Documents shall be produced in such fashion as to identify the department, branch or
23 office, if any, in whose possession it was located and, where applicable, the natural person in
24 whose possession it was found and the business address of each document's custodian(s).

25 **III. DOCUMENTS REQUESTED:**

Request for Production No. 1:

1 All and any records, including but not limited to timecard, time sheet, calendar entries, calendar
2 pages, books, notes, and any other document, that show, mention, concern or relate to the time
3 and hours worked by each Plaintiff and all your EMPLOYEES during the CLAIM PERIOD.

4 Request for Production No. 2:

5 The complete PAYROLL RECORDS relating to each Plaintiff and all EMPLOYEES
6 covering the entire CLAIM PERIOD, including but not limited to, all payroll statement
7 (commonly known as paystubs), payroll register generated by YOUR payroll processing service,
8 all canceled checks reflecting any and all payments whatever the nature to each Plaintiff and all
9 EMPLOYEES, BI-WEEKLY PAYOUT sheets, and all tax records concerning each Plaintiff and
10 all EMPLOYEES during the COMPLAINT PERIOD.

11 Request for Production No. 3:

12 All DAILY COUNT SHEETS with respect each Plaintiff and all EMPLOYEES during
13 COMPLAINT PERIOD.

14 Request for Production No. 4:

15 All COMCAST WORK ORDER with respect to each Plaintiff and all EMPLOYEES
16 during the COMPLAINT PERIOD.

17 Request for Production No. 5:

18 All personnel records of each Plaintiff and all EMPLOYEES, including but not limited to
19 any and all employment agreements you had with each Plaintiff and all EMPLOYEES, any
20 DOCUMENT signed by each Plaintiff and all EMPLOYEES during their employment with
21 YOU, and any DOCUMENT concerning the discipline, performance and evaluation of each
22 Plaintiff and all EMPLOYEES.

23 Request for Production No. 6:

24 Any and all employee manuals, employee handbook, or policies that governed any aspect
25 of employment of each Plaintiff and all EMPLOYEES, including but not limited to work
schedule, overtime policy, lunch breaks, rest periods, tools, reimbursement for tools, vehicles
used in performing job duties, gas reimbursements, deductions, and disciplines.

Request for Production No. 7:

Any and all COMMUNICATIONS and DOCUMENTS concerning, pertaining to and implementing the requirements or guidelines from COMCAST relating to installation schedule made with the customers.

Request for Production No. 8:

Any and all COMMUNICATIONS and DOCUMENTS concerning chargebacks by COMCAST for failure to keep the installation schedule with customers.

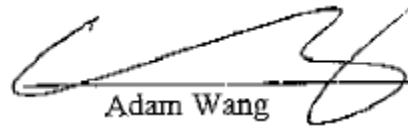
Request for Production No. 9:

Any and all COMMUNICATIONS and DOCUMENTS concerning payments made to all EMPLOYEES during the COMPLAINT PERIOD for earned but unpaid overtime wages. This includes but is not limited to any audits of unpaid overtime wages and any releases sought or received from EMPLOYEES during the COMPLAINT PERIOD.

Request for Production No. 10:

Any and all DOCUMENTS you intend to produce at the time of trial.

Dated: February 26, 2008


Adam Wang
Attorney for Plaintiffs

PROOF OF SERVICE

I, the undersigned, declare that I am over the age of eighteen (18) and not a party to this action. My business address is 12 South First Street, Suite 613, San Jose, CA 95113.

On the date hereof, I mailed and e-mailed and mailed the following document(s):

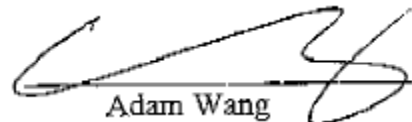
PLAINTIFFS' REQUEST FOR PRODUCTION OF DOCUMENTS, SET ONE

to the following:

Grant Carlson, Esq.
Friedman Enriquez & Carlson LLP
433 N. Camden Drive
Suite 965
Beverly Hills, CA 90210
GCarlson@go4law.com

I declare that the under penalty of perjury under the laws of the United States, the foregoing is true and correct.

Dated : February 26, 2008


Adam Wang

Comcast South Bay Broadband Installation

Bi-Weekly Payout

Vehicle #

Mileage In:

Mileage Out:

Total Mileage:

Tech Name: Osmin Avila

12/24	to	1/6
0		

	\$736.25
Deductions	\$0.00
Total	\$736.25

San Jose

San Jose															Total		Total \$1 week	First week	Second Week	Payroll
Week end 12/30															Week end 1/6					
		12/24	12/25	12/26	12/27	12/28	12/29	12/30	Total	12/31	1/1	1/2	1/3	1/4	1/5	1/6	Total			
Aerial New Connect	NAH	\$23.00							0								0			
UG New Connect	NUH	\$18.00							0								0			
MDU New Connect	NLB	\$18.00							0								0			
Connect Existing A/O	EO1	\$4.50							0								0			
Aerial Same Trip A/O	AO1	\$9.00					2	2							1	1	3			
UG Same Trip A/O	AO1	\$9.00						0		1					4	5	5			
MDU Same Trip A/O	AO1	\$9.00						0									0			
Additional outlet w/wallfish	WF1	\$27.00						0									0			
Separate Trip A/O	ASO/ ASW	\$17.00						0									0			
Service Tier Change	STC	\$7.00						0							1	3	3			
Additional Digital Box/Upgrade	AD1	\$5.00					1	3	4	1							5			
Cable Card Installs	CC1	\$7.50						0									0			
Remove Drop (Video, H S I , Telephony)	RED	\$10.00						0									0			
Aerial/UG/MDU Drop Replacement	RPD	\$10.00		2				2		1							1			
Conduit Push (Video, H S I , Telephony)	CON	\$10.00						0									0			
Video Reconnect	REH	\$18.25						0						1		1	2			
Reconnect MDU	RLB	\$18.25				1		1	2				1				1			
Make Hot Tap	MHT	\$8.00						0									0			
Disco	DXS	\$6.00						0									0			
Disco W/Equipment	DXE	\$11.00						0									0			
Satellite Dish Remove	SAL	\$7.00						0									0			
Self Installation Kit	SK1	\$3.00						0							1	1	1			
Troubleshoot Non-Responding DCT/DVR	TNR	\$20.00						0									0			
Separate DCT Up Grade	SDB	\$12.00				2		2		2				2		1	5			
UG Drop Bury								0									0			
UG Drop Bury - Conduit W/O Construction								0									0			
UG Drop Bury - W/Construction								0									0			
New C.H.S.I Premium	PNC	\$50.00						0									0			
Reconnect C.H.S.I Premium	PRC	\$40.00				1		1	1	3						1	1			
H.S.I Reconnect W/Home Networking	PNC W/HNT-S	\$63.25						0									0			
H.S.I Reconnect W/Home Networking (MDU)	PNC W/HNT-S	\$58.25						0									0			
H.S.I New W/Home Networking	PNC W/HNT-S	\$80.00						0									0			
H.S.I New W/Home Networking (MDU)	PNC W/HNT-S	\$75.00						0									0			
Combo-Premium New Connect	NVH	\$60.00						0									0			
Combo-Premium New Connect (MDU)	NVH	\$55.00						0									0			
Combo-Premium Reconnect	RVH	\$50.00					1	2	3	1						1	2			
Combo-Premium Reconnect (MDU)	RVH	\$50.00						0									0			
Home Networking (1-5 Computers)	HNT1+	\$14.00						0									0			
CDV NEW CONNECT	CNC	\$53.00						0									0			
CDV RECONNECT	CRC	\$40.00		2				2	4	1		3	4				8			
TELEPHONE LINE	TEL	\$9.00						0		1		2					3			
RECONFIGURE PHONE	RPJ	\$4.50					3	3				4					4			
VERIFYING CUSTOMER ALARM	VCA	\$6.75						0									0			
DUAL INSTALL - NEW VIDEO AND CDV (SDU)	NVP	\$62.50						0									0			
DUAL INSTALL - NEW VIDEO AND CDV (MDU)	NVP	\$55.00						0									0			
DUAL INSTALL - NEW HSI AND CDV (SDU)	NHP	\$70.00						0									0			
DUAL INSTALL - NEW HSI AND CDV (MDU)	NHP	\$65.00						0									0			
DUAL INSTALL - RECONNECT VIDEO AND CDV (SDU)	RVP	\$50.00						0									0			
DUAL INSTALL - RECONNECT VIDEO AND CDV (MDU)	RVP	\$50.00						0									0			
DUAL INSTALL - RECONNECT HSI AND CDV (SDU)	RHP	\$55.00		1			1	2			1						1			
DUAL INSTALL - RECONNECT HSI AND CDV (MDU)	RHP	\$55.00						0									0			
TRIPLE INSTALL - NEW VIDEO, HSI AND CDV (SDU)	NTC	\$80.00						0									0			
TRIPLE INSTALL - NEW VIDEO, HSI AND CDV (MDU)	NTC	\$75.00						0									0			
TRIPLE INSTALL - RECONNECT VIDEO, HSI AND CDV (SDU)	RTC	\$65.00		1			1	2									0			
TRIPLE INSTALL - RECONNECT VIDEO, HSI AND CDV (MDU)	RTC	\$65.00						1	1								0			

69 867.00 767.75 1,634.75



System: South Bay

4/30/77

8866

CDV

Tech's Signature

Supervisor's Signature: _____

O.T.

~~\$~~ 310.25

000001
0001 945-2285

TECHNICIAN	JOB DESCRIPTION	JOB
B530	SIX W/D H51	548,000
SALES REP	ORDER NUMBER	PRINT DATE
00000	10000194041220250001	12/28/07

SERVICE NAME AND ADDRESS	HOME PHONE	DATE	TIME	UNITS	CATG.	REPRIN
LATA, HENRY/PATRICIA 30 N BATHILDA AVE ST. MICHAEL MORRISVILLE, CA 94095-4274	510-938-0421	12/28/05	9 3A-5P	003	19	
REQUESTOR	WORK PHONE	CUSTOMER NUMBER	CALL FIRST	PRINT II		
	510-938-0421	1203018677333				
ORDER REASONS						
REMOVE/RELOC PT						
L-REPAY AMT 0.00						

OTHER ACTIVE CUSTOMERS

DATE	TECHNICIAN	START	STOP	CODE	RESOLUTION CODES	CASH ON DELIVERY

By signing this work order, I represent that I am at least 18 years old; I am the owner of, or tenant in, the premises at the above address and that the installation, repair or other work provided has been satisfactorily completed. If this work order relates to the initial installation of services, I acknowledge receipt of Comcast's Welcome Kit which contains the Comcast Subscriber Agreement, the Comcast Cable Subscriber Privacy Notice and other important information about the services. I agree to be bound by the Comcast Subscriber Agreement which constitutes the agreement between Comcast and me for the services. If other non-installation work was provided, I agree to continue to be bound by the current Comcast Subscriber Agreement. I authorize Comcast to obtain a credit report from a consumer credit agency in connection with the provision of the services I am receiving.

CUSTOMER SIGNATURE

DATE

COMPANY REPRESENTATIVE

DATE